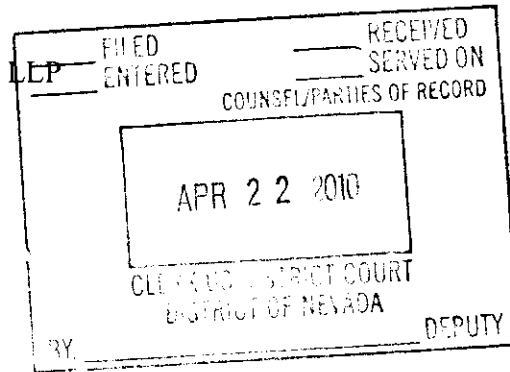


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 9 and Glen Shake



10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE
 14 COMPANY,

15 Debtor.

Case No. 2:07-CV-892-RCJ-GWF-BASE
 Consolidated with Case Nos.
 Case No. 2:07-cv-1389-RCJ-GWF
 Case No. 3:07-cv-241-RCJ-GWF
 Case No. 2:07-cv-00894-RCJ-GWF

16 **(PROPOSED) ORDER**
 17 **ACKNOWLEDGING AND APPROVING**
 18 **PLATINUM FINANCIAL TRUST, LLC AS**
 19 **LOAN SERVICER FOR THE GARDENS**
 20 **TIMESHARE LOAN**

21 On March 26, 2010, Counter-Defendant Platinum Properties 1, Inc. ("Platinum") moved
 22 the Court for an emergency order ("Motion") (Doc. 1667) recognizing and/or approving Platinum
 23 Financial Trust, LLC's loan servicing rights in the Gardens Timeshare Loan, and to modify its
 24 Preliminary Injunction entered November 6, 2007 ("Preliminary Injunction") (Doc. 199).
 25 Platinum's Motion came on for hearing on April 8, 2010. Mitchell J. Langberg of the law firm of
 26 Brownstein Hyatt Farber Schreck appeared on behalf of Platinum. All other appearances are
 27 noted in the Court's record of the proceedings.

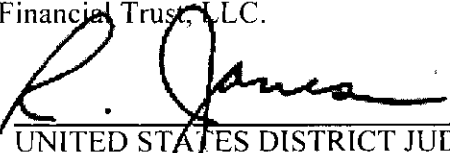
28 Having considered the briefs, other papers filed in relation to those briefs and arguments
 of counsel, finding that service of the Motion was adequate under the circumstances, and good
 cause appearing therefor:

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

- (1) Having reviewed the uncontroverted evidence presented by Platinum including the list of original direct lenders, the recorded assignments and the declarations by which more than 51% of the current direct lenders indicated their selection of a new servicer, the Court finds that more than 51% of the current direct lender interest holders in the Gardens Timeshare Loan have elected to designate Platinum Financial Trust, LLC as the new servicer of the Gardens Timeshare Loan. Therefore, the Court acknowledges Platinum Financial Trust, LLC, as the new servicer for the Gardens Timeshare Loan, and Platinum Financial Trust, LLC, has all rights of a servicer with respect to the Gardens Timeshare Loan.
- (2) Asset Resolution, LLC's Chapter 7 Trustee is hereby authorized and directed to transfer the servicing and management of the Gardens Timeshare Loan to Platinum Financial Trust, LLC, and Asset Resolution, LLC's Chapter 7 Trustee is further directed to transfer to Platinum Financial Trust, LLC, the originals of all records and files held by him and related to the Gardens Timeshare Loan.
- (3) Any individual or entity claiming an interest in funds relating to the Gardens Timeshare Loan currently held in trust or escrow by Asset Resolution, LLC's Chapter 7 Trustee must file in this action notice of a claim to such funds within five (5) days of the entry of this Order.
- (4) On April 22, 2010, at 9:00 a.m., the Court will conduct a hearing to address any such claims to the Gardens Timeshare Loan funds and determine what funds, if any, should be released to Platinum Financial Trust, LLC.


 UNITED STATES DISTRICT JUDGE

DATED: 04/22/2010